

OLC 78-0487/1

23 FEB 1978

*Civil Service
Commission*

MEMORANDUM FOR: Director of Central Intelligence

THROUGH: Deputy Director for Administration
Deputy Director of Central Intelligence

FROM:
Acting Legislative Counsel

STAT

SUBJECT: Civil Service Reform Act

1. (U) Action Requested: None, for your information only.

2. (U/IUO) Background: Attached for your information is a critique of the Civil Service Commission's draft legislation to reform Civil Service procedures and the Civil Service Commission. At this time it appears the Commission intends to send this draft forward to the Congress within the next week or so.

The proposed bill is designed to implement the President's Reorganization Project. This Project made 125 recommendations, many to be made effective by Executive Order or through directives of the new Office of Personnel Management (the present Civil Service Commission).

The thrust of the draft legislation appears to strengthen individual agency responsibilities and authorities; however, in nearly every instance there would be an entity outside the Agency to ensure compliance either through audit or an appeals system.

The Agency has serious problems with the bill, which conflicts squarely with existing law, most importantly your termination authority (50 U.S.C. 403c), your mandate to prevent disclosure of sources and methods (50 U.S.C. 403(d)(3) and 403g) and the Agency's statutory exemption from the competitive service (50 U.S.C. 403j).

We have pointed out in the critique--which OMB has forwarded to the CSC--that these conflicts are objectionable because of the nature of intelligence operations and the necessary secrecy which, together with our unique personnel requirements, require flexibility and a minimum of monitoring by the Civil Service Commission or its successor.

MORI/CDF

We have been in contact with OMB and Civil Service Commission staffers who indicate the Chairman or the Commission is strongly pushing for this legislation. We will recontact CSC Friday, 24 February, to obtain a firm reading on the Commission's response to our comments. We will then determine whether it would be productive to provide further comments elaborating on our position reflected in the attached paper. If in fact this legislation does move quickly and if our interests are not adequately addressed in the draft bill, it may become necessary that the matter be raised at your level with the White House and the Commission, or both; in its present form, this legislation would have a devastating effect on our present personnel system and practices.

We will keep you informed of any further developments.

3. (U) Coordination: The Office of Personnel and the Office of General Counsel have seen this memorandum and concur in the substance herein.

SIGNED

STAT

Attachment

Distribution:

Orig - Addressee, w/att
1 - DDCI, w/att
1 - ER, w/att
1 - DDA, w/o att
1 - OGC, w/o att
1 - OP, w/o att
1 - OLC Subject, w/o att
1 - OLC Chrono, w/o att
OLC:YTF:sm (22 Feb 78)